



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Case No. 99,089)

Express Mail No.: EL602858115US

RECEIVED
PATENT

SEP 29 2000

SEP 29 2000

In re Application of:

Mark O. Vogel

Serial No.: 09/318,460

Filed: May 25, 1999

For: METHOD FOR DYNAMIC
PERFORMANCE
OPTIMIZATION IN A
DATA-OVER-CABLE SYSTEM

Examiner: To be Assigned

Art Unit: 2731

#11

FIFTH SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT LETTER

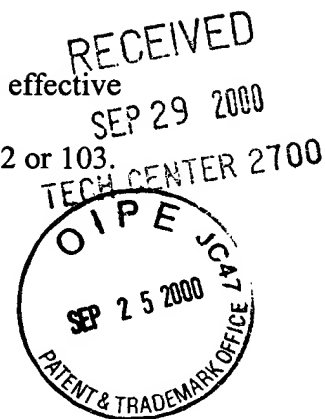
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to the duty of disclosure provided by 35 C.F.R. § 1.56 and §§ 1.97-98, the applicants wish to make the following references of record in the above-identified application. Copies of the references are enclosed. Copies are also listed in the PTO-1449 form enclosed herewith. It is requested that the documents be given careful consideration and that they be cited of record in the prosecution history of the present application so that they will appear on the face of the patent issuing from the present application.

Portions of the references may be material to the examination of the pending claims, however no such admission is intended. 37 C.F.R. 1.97 (h). The references have not been reviewed in sufficient detail to make any other representation and, in particular, no representation is intended as to the relative importance of any portion of the

references. This Statement is not a representation that the cited references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. sections 102 or 103.



CITED REFERENCES

U.S. Patent Documents

Document	Date	Name	Class
1. 4,881,263	November 14, 1989	Herbison et al.	380

Other Documents

2. Kyees et al., IEEE Electronic Library, Citation and Abstract, IEEE Communications Magazine, Vol. 33, Issue 4, April 1995, "ADSL: A New Twisted-Pair Access To The Information Highway," pages 52-60.
3. Yin-Hwa Huang et al., IEEE Electronic Library, Citation and Abstract, Acoustics, Speech, and Signal Processing, 1995.ICASSP-95., 1995 International Conference, Vol. 4, May 9-12, 1995, "Design Of An MPEG-Based Set-Top Box For Video On Demand Services," pages 2655-2658.

Respectfully submitted,

McDonnell, Boehnen, Hulbert & Berghoff

Date: September 25, 2000

by:


Enrique Perez
Registration No. 43,853